

to my colleagues and friends Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK for their incredible courage and leadership in fighting for those who are affected by breast cancer.

October, as we know, is National Breast Cancer Awareness Month, and I can think of no better way to honor and support the women living with this disease or to honor the memories of those who have lost their battle with breast cancer than to help raise awareness by sharing some of our own personal stories. Each one of us has a personal story to tell about how breast cancer touched the lives of our families and has changed our lives, and I'm no exception.

My mother is a breast cancer survivor. She beat this disease several years ago, and I'm so proud of her for the strength and the courage that she has shown throughout a very difficult journey. She has served as an inspiration to me to be a voice here in Washington, not just for her, but for the hundreds of thousands of women and men who are diagnosed with breast cancer each year.

For far too long, our Nation was silent about this disease because of a pervasive fear and stigma. Thankfully, education and advocacy efforts over the past several decades have empowered survivors to come out of the shadows and walk down the Halls of Congress to demand action.

It's because of my mother and the Rhode Island advocates who I am so proud to represent that I joined with a strong majority of my colleagues to fight for increased funding for research at the National Institutes of Health and the Department of Defense so that we may continue to advance lifesaving treatments for breast cancer patients everywhere.

However, this is not just about research. We must also ensure that every patient has access to proper medical care. I believe that the only way to do this is through comprehensive health insurance reform.

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Madam Speaker, Congress certainly must pass a bill that covers preventative services such as mammograms and MRIs, that eliminates discriminatory exclusions for individuals with pre-existing conditions, and ensures gender parity. I strongly believe that access to quality health care should be a fundamental right and not a privilege for the wealthy who can afford it.

I hear stories daily from friends and constituents whose lives are turned upside down due to a cancer diagnosis. Our Nation can and we must do better. Together we can make a difference in the lives of breast cancer patients everywhere.

I would like to once again acknowledge my colleagues here this evening for speaking out in the fight against breast cancer, and I look forward to my continued work with them in the future.

CONSTITUTIONALITY OF HEALTH CARE REFORM LEGISLATION PENDING CONSIDERATION BY THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Madam Speaker, I rise tonight to address this body about a document that is sometimes forgotten. A document that gives meaning and purpose to what we do in this body, that in fact is the basis upon which this body actually exists. And that is the Constitution of the United States.

For over two centuries, this document has been the foundation for our free people. It has become the model for other governments who have copied it around the world. And yet too often it appears that the very document that is the core of our liberties, the core of our existence in this representative democracy, is overlooked in this body. It's as if it were treated as a document of antiquity to be given proper respect in the Library of Congress but to be paid no attention to in our deliberations here. I think that is quite ironic.

I had a town hall meeting this weekend, and one of my constituents raised the issue of the constitutionality of one of the bills that are pending before this body. I promised him I would address that issue, and that is what I intend to do very briefly this evening.

When those 56 men met in Philadelphia, they understood the significance of trying to write a document that controlled the actions of legislative and executive bodies. And they did a very good job of it. Over these two centuries plus, there have only been some 27 amendments that have been adopted.

It used to be that when Congress would legislate on an issue that it would preface it with the constitutional basis upon which the legislation would be even authorized to be considered. That practice has, unfortunately, been abandoned. For those who are familiar with our Federal courts, it is not unlike what a party going into that court would be required to do, and that is to specify the basis on which the Federal court has jurisdiction to consider the issue that is presented to the court.

I think we should do the same thing here in this body. We should ask ourselves the question before any piece of legislation is even considered, Upon what basis of the Constitution do we even have a right to consider to legislate on this subject?

Now, this subject is not just something that I want to talk in generalities about. I think we have a concrete example of a piece of legislation where the core issue is that of its constitutionality, and that is the health care reform legislation.

Now, admittedly, Congress has, under the commerce clause of the Constitution, reached into many realms of our activity in this country. But here in

this bill there is one central ingredient, and that is the mandate on an individual that they must purchase a health insurance policy. Now, I think that is where the unconstitutionality of that proposition rises to the fore. And I suggest it for this reason:

First of all, it imposes what is presumed to be a tax if you do not comply. I think it is very clear under the interpretations of our Constitution that Congress cannot impose a tax unless it first has the authority under other parts of the Constitution to regulate the activity, namely the commerce clause or some other designated ability to regulate under the enumerated powers of the Constitution. Here there is no such enumeration. And certainly buying a health insurance policy, the requisite of that is not engaging in interstate commerce. Somebody doesn't go to the doctor to engage in interstate commerce; they go for their own health care concerns.

Some would argue, well, we mandate that people have to have automobile liability insurance. I remind them that it is a quid pro quo in which the State issues a driver's license as a condition for requiring the mandate of insurance. We do not issue a license to the citizens of this country to breathe or to exist. Therefore, by what right do we have the ability to impose a personal mandate?

Now, this issue is not new. I want to quote from a report from the Congressional Budget Office back in 1993 when they were considering the Clinton health care proposal, and I quote:

"A mandate requiring all individuals to purchase health insurance would be an unprecedented form of Federal action. The government has never required people to buy any good or service as a condition of lawful residence in the United States."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Madam Speaker, America has made great strides in the last century to provide rights and protections to our most disadvantaged communities. Laws were made that limited the workday and made it illegal for companies to profit from child labor. Women were given the right to vote. The Civil Rights Act codified Martin Luther King's dream by ensuring that all people of color could obtain equal rights.

But the fight is not over. People are still trying to deny Americans equal